

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:	:	Chapter 13
	:	
FRED SMITH, JR.	:	
IMANI N. MOLOCK-SMITH	:	
	:	
Debtor	:	Bankruptcy No. 19-13290 MDC

**CHAPTER 13 STANDING TRUSTEE'S REPLY  
TO DEBTORS' ANSWER TO MOTION TO DISMISS**

William C. Miller, Chapter 13 standing trustee ("standing trustee"), replies to debtors' Answer to his Motion to Dismiss ("Motion"), as follows:

1. Debtors cite In re Christopher v. Pratola, 2017 WL 660526 (Bankr. N.O. Ill. Dec. 27, 2017)(sic), also reported at 578 B.R. 414, for the proposition that "exceeding the debt limit is not a basis for dismissal if the student loan is a substantial debt that causes the debt limit to be exceeded."

2. That case was appealed, reversed, and remanded for further proceedings. See In re Pratola, 589 B.R. 779 (N.D. Ill. 2018). The District Court stated, at page 793,

In sum, the Court concludes that the Bankruptcy Court abused its discretion in denying the Trustee's motion to dismiss. Under the plain language of Section 109( e), Debtor is ineligible to proceed under Chapter 13, and Debtor's ineligibility provides 'cause' to dismiss or convert the case under Section 1307 (c ).

WHEREFORE, the standing trustee respectfully requests that the Motion be granted.

Respectfully submitted,

/s/ William C. Miller, Esquire  
William C. Miller, Esquire  
Chapter 13 Standing Trustee

Date: October 10, 2019